

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

HISCOX INSURANCE COMPANY,  
INC.,

Plaintiff,

v.

CURTIS BORDENAVE, BUSINESS  
MOVES CONSULTING, INC. dba  
BUSINESS MOVES,

Defendants.

**1:18-CV-10222-PAE**

**AFFIDAVIT OF CURTIS BORDENAVE IN SUPPORT OF DEFENDANTS’  
CROSS-MOTION TO DISMISS**

CURTIS BORDENAVE, being duly sworn hereby deposes and swears under the penalty of perjury, the following:

1. I am the Secretary and an Agent for Business Moves Consulting, Inc., a Defendant in the above-captioned action, as well as an individual named Defendant in the above-captioned action, and, as such, I am familiar with the facts and circumstances surrounding this proceeding.

2. I submit this declaration in support of Defendants’ joint Motion to Dismiss this action pursuant to Federal Rules of Civil Procedure 12(a), 12(b)(2), (b)(6), and the discretion of the Court.

On Behalf of Business Moves Consulting, Inc.

3. Defendant Business Moves Consulting, Inc. (“Business Moves”) is a Mississippi corporation, with a principal place of business located at 5002 Highway 80 West, Jackson Mississippi 39209.

4. Business Moves has never maintained and is not maintaining an office in the State of New York.

5. Business Moves has not engaged, and is not engaging in any business in the State of New York.

6. Business Moves has not owned, and is not the owners of, a bank account or any other property in the State of New York.

Individually

7. I am the named individual Defendant in this action.

8. I have resided in the State of Texas for the past year.

9. I recently moved back to Mississippi, where I intend to permanently reside.

10. I have never transacted, nor am I currently transacting in any business in the State of New York, other than my involvement in this litigation and the related Underlying Action.

11. I have never maintained, nor am I currently maintaining an office in the State of New York.

12. I do not own, nor am I the owner of, a bank account or any other property in the State of New York.

13. I have no business contact with the State of New York that has a fair measure of presence and continuity.

Both Individually and On Behalf of Business Moves Consulting, Inc.

14. For various reasons, in a related action pending in this same district, *Khaled M. Khaled and ATK Entertainment, Inc. v. Curtis Bordenave and Business Moves Consulting Inc. dba Business Consulting*, 1: 18-cv-05187 (the “Underlying Action”), wherein I am personally a defendant along with Business Moves, myself and Business Moves have not

yet contested the issue of the Court's personal jurisdiction over me or Business Moves. However, my previous attorneys in the Underlying Action seriously considered moving to dismiss on those grounds, and advised me that there was not a sufficient basis for personal jurisdiction over me or Business Moves in New York, as we do not generally transact business in New York and did not engage in any activities targeted to New York that are the subject of the Underlying Action.

15. Litigating this action in New York would present substantial difficulties for me and any other employees, officers and directors who may be required to travel to New York to participate in this litigation.

16. When we purchased our insurance policies from Hiscox, we were physically located in Mississippi and we communicated with any brokers and with Hiscox from our offices in Mississippi. The issued endorsements are all Mississippi endorsements. It is my understanding that the policy is governed by Mississippi law, and Hiscox has acknowledged the same in correspondences with our employees and officers.

WHEREFORE, Defendants requests that the Court grant the instant Motion to Dismiss. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Sworn to before me this

5 day of February, 2019



Curtis Bordenave, Secretary

  
Notary Public

